

To Mr. Riley!
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ILLINOIS COMMERCE COMMISSION

ORIGINAL

7/17/2001
Initial Brief 01-0257

While this case involves a Complaint filed by Christel Van Dyke against Ameritech, its resolution will hold Ameritech accountable for its poor quality of service and neglect to resolve service issues in a timely manner, to, improve the quality of service that Ameritech provides and maintains for residential customers. This action will cause Ameritech to take appropriate measures to hire and train professionals to resolve complaints in a prompt and efficient manner.

According to the Public Utilities Act, Section 8-101, every public utility is required to furnish, provide and maintain such service instrumentalities, equipment and facilities and shall promote the safety, health, comfort and convenience of its patrons, employees and public as shall be adequate, efficient, just and reasonable

Mueller and Edward Whitacer, Jr., chairman and chief executive of Ameritech parent SBC, have publicly made statements promising in October 1999 (2000) that Illinois would have telephone service problems solved. The men promised to hire technicians and customer service representatives, as well as spend more than \$1 billion to improve telephone lines and other infrastructure.

In 1996, Christel Van Dyke has contacted Ameritech over 40 times requesting resolution and investigation regarding various telephone and billing problems. Ameritech installers or repairmen came out to Christel Van Dyke's residence to repair this problem. Each time that they visited her premises, the installers wrote erroneous repair tickets stating the work was repaired and successfully completed, which the problem was never properly resolved. This was negligent on Ameritech's behalf.

She has been billed for calls that were not placed from her telephone line. The only remedy Ameritech recommended was for Christel Van Dyke to subscribe to some enhanced calling features, namely Ameritech Call Control, linebacker service and Caller ID with Name, which is priced at \$7.95, \$3.79 and \$7.50 respectively for added security. In addition to the purchase of these enhanced features, Ameritech suggested that she maintain a telephone log of outgoing calls, see Exhibit _____. Ameritech had also recommended the purchase of its deluxe telephone system. Upon Ameritech's suggestion, Christel Van Dyke purchased the enhanced calling features and has been charged for these features for over 2 years. See attached Exhibits _____.

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As more fully described Mr. Macon admitted in his deposition, pages 436 through 439, that he believes Christel Van Dyke's telephone problems was caused by crosstalk. Due to the crosstalk, Christel Van Dyke was inappropriately and unfairly billed. See Exhibit _____.

Christel Van Dyke disagrees with _____ that crosstalk is caused by humidity and moisture on the line. According to Docket 88-57, installers use substandard premise wiring to save money. To the consumer, it becomes an expensive proposition.

Cathy Olsen, a witness, also experienced crosstalk on her residential telephone line. See Exhibit _____.

Christel Van Dyke has suffered economic loss, was exposed to safety risks, was caused undue inconvenience and invasion of privacy due to prolonged disruption of service caused by Ameritech's poor quality of service and inability to resolve the problem in an efficient and timely manner.

Christel Van Dyke has been experiencing crosstalk on her residential telephone, having the ability to hear another conversation and participate on that conversation or would cause her telephone line to be busy when the telephone line was inactive. Because of crosstalk, Christel Van Dyke has missed phone calls from prospective tenants, which delayed the leasing of her premises for several months. During this time, Christel Van Dyke was involved in legal matters, which impacted her position negatively by missed telephone calls from attorneys. Ms. Van Dyke was also actively pursuing career opportunities, which caused her to miss important calls.

Christel Van Dyke incurred safety risks for approximately one year when her telephone line was disconnected by not having 9-1-1 capability. Children did not have access to a telephone in the event of an emergency. School nurses were unable to reach the parent during school emergencies.

Having no access to a landline telephone and experiencing crosstalk has caused undue inconvenience to Christel Van Dyke and her children. Calls were made and received from payphones sometimes in the worst climatic conditions. Neighbors were inconvenienced by incoming and outgoing calls for the Van Dyke family. Christel Van Dyke was forced to

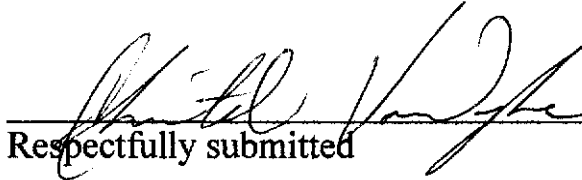
subscribe to wireless service at a time where wireless competition was nonexistent and rates were exorbitant. Upon Ameritech's recommendation to use Ameritech Call control as a safety measure, Christel Van Dyke was inconvenienced by dialing schematics, whereby she had to punch in 15 numbers in order to place a call. Also upon Ameritech's suggestion to maintain a daily log of outgoing calls, Christel Van Dyke had to monitor the use of the telephone and was not able to share the code needed to place a call with her children.

Christel Van Dyke's privacy has been invaded due to crosstalk. Other residential subscribers were able to eavesdrop on her private calls when they picked up their landline phone. Christel Van Dyke subscribed to a single line service and received a party line type service from Ameritech.

As testimony and exhibits show, crosstalk was the cause of Christel Van Dyke's telephone problems. As evidence also shows crosstalk caused inappropriate and unfair billing. Ameritech was negligent in not properly repairing the problem and had produced erroneous work tickets showing the repairs were completed successfully. Instead of providing quality service and repair, Ameritech took advantage and preyed on the misfortune of its residential customer to actively market its enhanced features and persuaded Christel Van Dyke to maintain burdensome telephone logs of outgoing calls. Ameritech's negligence to repair the problem in a timely manner had caused economic loss, safety hazards, privacy invasion and inconvenience to Christel Van Dyke and her children.

The Commission must fulfill its role of overseeing fair and just treatment of its residential consumers. The Commission must order Ameritech accountable for its negligent acts and order Ameritech to comply with the Public Utility Act and its commitment to provide quality service in a timely and efficient manner and to compensate Christel Van Dyke for loss of income, inconvenience and any and all appropriate damages. For the reasons stated in this brief, Christel Van Dyke respectfully requests that relief be granted.

Dated: July 12, 2001


Respectfully submitted

Christel Van Dyke
18206 South 66th Avenue
Tinley Park, IL 60477
(708) 532-0046